

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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J.M., et al.,	:	
	:	
Plaintiffs	:	
	:	21 Civ. 6958 (LGS)
-against-	:	
	:	<u>ORDER</u>
UNITED HEALTHCARE INSURANCE, et al.,	:	
Defendants.	:	
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LORNA G. SCHOFIELD, District Judge:

WHEREAS, Plaintiffs assert that during the pre-litigation appeal process, United Healthcare Insurance Company, United Behavioral Health, and the Credit Suisse Securities (USA) LLC Group Health Care Plan, (collectively, “Defendants”) did not address the arguments made by Plaintiffs regarding their allegations that Defendants violated the Mental Health Parity and Addition Equity Act (“MHPAEA”);

WHEREAS, on November 4, 2021, an initial pretrial conference was held to discuss whether discovery is needed in this case. It is hereby

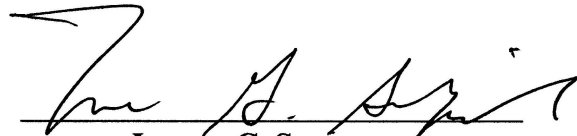
**ORDERED** that within fifteen days of the entry of this order, Plaintiffs shall serve requests for documents they allege fall within the scope of 29 C.F.R. § 2590.712(d), including requests for the criteria for medical necessity determinations under the Credit Suisse Securities (USA) LLC Group Health Care Plan for medical/surgical benefits analogous to the mental health benefits at issue, as well as requests for any other documents Plaintiffs contend Defendants are required to produce under the federal regulations. Defendants shall respond to these requests within sixty days. It is further

**ORDERED** that upon production of these documents, the MHPAEA matter is remanded to the pre-litigation appeal process. Within forty-five days of receipt of the requested documents, Plaintiffs shall present to Defendants, through counsel of record in this matter, an appeal through

remand that may include information and arguments for whether and why they believe the Defendants are not in compliance with the requirements of MHPAEA. Following submission of this information, the Defendants shall respond to Plaintiffs' remanded appeal within forty-five days. It is further

**ORDERED** that within fifteen days of receiving the Defendants' response, the parties shall file a status report with the Court about the result of the proceedings identified in this Order.

Dated: December 3, 2021  
New York, New York



**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**